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10 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 PABLO RAUL LUGO LARROIG,
aka "Walter Loza," and
17 JESON NELON PRESILLA FLORES,

18 Defendants.
19

No. 5:25-CR-00198-KK-3, 6

STIPULATION AND JOINT REQUEST FOR
A PROTECTIVE ORDER REGARDING
DISCOVERY CONTAINING PERSONAL
IDENTIFYING INFORMATION, PRIVACY
ACT INFORMATION, AND COOPERATING
WITNESS INFORMATION

PROPOSED ORDER FILED SEPARATELY

20 Plaintiff, United States of America, by and through its counsel
21 of record, the United States Attorney for the Central District of
22 California and Assistant United States Attorneys Kevin J. Butler,
23 and Jena A. MacCabe, and defendants PABLO RAUL LUGO LARROIG, also
24 known as "Walter Loza," and JESON NELON PRESILLA FLORES
25 ("defendants"), by and through their counsel of record, Deputy
26 Federal Public Defender Young Kim and John Robertson, respectively,
27 (collectively the "parties"), for the reasons set forth below,
28 request that the Court enter the proposed protective order (the

1 "Protective Order") governing the use and dissemination of
2 (1) personal identifying information ("PII") of real persons
3 pursuant to Federal Rule of Criminal Procedure Rule 16(d)(1),
4 (2) material that may contain information within the scope of the
5 Privacy Act, and (3) information related to cooperating witness(es)
6 who may testify at trial.

7 Introduction and Grounds for Protective Order

8 1. Defendants are charged in this matter with violations of
9 18 U.S.C. § 371: Conspiracy; 18 U.S.C. § 1951(a): Conspiracy to
10 Interfere with Commerce by Robbery and Interference with Commerce by
11 Robbery; and 18 U.S.C. § 659: Theft from Interstate or Foreign
12 Shipment. Defendants are detained pending trial.

13 2. A protective order is necessary because the government
14 intends to produce to the defense materials regarding cooperating
15 witnesses who may testify at trial. Because these materials could
16 be used to identify the cooperating witnesses, the government
17 believes that the unauthorized dissemination or distribution of the
18 materials may expose him/her to potential safety risks.

19 3. A protective order is also necessary because the
20 government intends to produce to the defense materials containing
21 third parties' PII. The government believes that disclosure of this
22 information without limitation risks the privacy and security of the
23 information's legitimate owners. Because the government has an
24 ongoing obligation to protect third parties' PII, the government
25 cannot produce to defendants an unredacted set of discovery
26 containing this information without the Court entering the
27 Protective Order. Moreover, PII makes up a significant part of the
28 discovery in this case and such information itself, in many

1 instances, has evidentiary value. If the government were to attempt
2 to redact all this information in strict compliance with Federal
3 Rule of Criminal Procedure 49.1, the Central District of
4 California's Local Rules regarding redaction, and the Privacy Policy
5 of the United States Judicial Conference, the defense would receive
6 a set of discovery that would be highly confusing and difficult to
7 understand, and it would be challenging for defense counsel to
8 adequately evaluate the case, provide advice to defendants, or
9 prepare for trial.

10 4. An order is also necessary because the government intends
11 to produce to the defense materials that may contain information
12 within the scope of the Privacy Act, 5 U.S.C. § 552a ("Privacy Act
13 Information"). To the extent that these materials contain Privacy
14 Act Information, an order is necessary to authorize disclosure
15 pursuant to 5 U.S.C. § 552a(b)(11).

16 5. The purpose of the Protective Order is to (a) allow the
17 government to comply with its discovery obligations while protecting
18 this sensitive information from unauthorized dissemination, and
19 (b) provide the defense with sufficient information to adequately
20 represent defendants.

21 Definitions

22 6. The parties agree to the following definitions:

23 a. "CW Materials" includes any information relating to a
24 cooperating witness's prior history of cooperation with law
25 enforcement, prior criminal history, statements, or any other
26 information that could be used to identify a cooperating witness,
27 such as a name, image, address, date of birth, or unique personal
28

1 identification number, such as a Social Security number, driver's
2 license number, account number, or telephone number.

3 b. "PII Materials" includes any information that can be
4 used to identify a person, including a name, address, date of birth,
5 Social Security number, driver's license number, telephone number,
6 account number, email address, or personal identification number.

7 c. "Confidential Information" refers to any document or
8 information containing CW Materials or PII Materials that the
9 government produces to the defense pursuant to this Protective Order
10 and any copies thereof.

11 d. "Defense Team" includes (1) each defendant's counsel
12 of record ("defense counsel"); (2) other attorneys at defense
13 counsel's law firm who may be consulted regarding case strategy in
14 this case; (3) defense investigators who are assisting defense
15 counsel with this case; (4) retained experts or potential experts;
16 and (5) paralegals, legal assistants, and other support staff to
17 defense counsel who are providing assistance on this case. The
18 Defense Team does not include defendants, defendants' family
19 members, or any other associates of defendants.

20 Terms of the Protective Order

21 7. The parties jointly request the Court enter the Protective
22 Order, which will permit the government to produce Confidential
23 Information in a manner that preserves the privacy and security of
24 third parties. The parties agree that the following conditions in
25 the Protective Order will serve these interests:

26 a. The government is authorized to provide defense
27 counsel with Confidential Information marked with the following
28 legend: "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE

1 ORDER.” The government may put that legend on the digital medium
2 (such as DVD or hard drive) or simply label a digital folder on the
3 digital medium to cover the content of that digital folder. The
4 government may also redact any PII contained in the production of
5 Confidential Information.

6 b. If any defendant objects to a designation that
7 material contains Confidential Information, the parties shall meet
8 and confer. If the parties cannot reach an agreement regarding
9 defendant’s objection, defendant may apply to the Court to have the
10 designation removed.

11 c. Each defendant and the Defense Team agree to use the
12 Confidential Information solely to prepare for any pretrial motions,
13 plea negotiations, trial, and sentencing hearing in this case, as
14 well as any appellate and post-conviction proceedings related to
15 this case.

16 d. The Defense Team shall not permit anyone other than
17 the Defense Team to have possession of Confidential Information,
18 including defendants, while outside the presence of the Defense
19 Team.

20 e. Each defendant may review PII Materials or CW
21 Materials only in the presence of a member of the Defense Team, who
22 shall ensure that defendant is never left alone with any PII
23 Materials or CW Materials. At the conclusion of any meeting with
24 defendant at which defendant is permitted to view PII Materials or
25 CW Materials, defendant must return any PII Materials or CW
26 Materials to the Defense Team, and the member of the Defense Team
27 present shall take all such materials with him or her. Defendant
28 may not take any PII Materials or CW Materials out of the room in

1 which defendant is meeting with the Defense Team. At no time, under
2 no circumstance, will any Confidential Information be left in the
3 possession, custody, or control of defendant, regardless of
4 defendant's custody status.

5 f. Each defendant may see and review Confidential
6 Information as permitted by this Protective Order, but defendant may
7 not copy, keep, maintain, or otherwise possess any Confidential
8 Information in this case at any time. Defendant also may not write
9 down or memorialize any data or information contained in the
10 Confidential Information.

11 g. The Defense Team may review Confidential Information
12 with a witness or potential witness in this case, including
13 defendants. A member of the Defense Team must be present if PII
14 Materials or CW Materials are being shown to a witness or potential
15 witness. Before being shown any portion of Confidential
16 Information, however, any witness or potential witness must be
17 informed of the requirements of the Protective Order. No member of
18 the Defense Team shall permit a witness or potential witness to
19 retain Confidential Information or any notes generated from
20 Confidential Information.

21 h. The Defense Team shall maintain Confidential
22 Information safely and securely, and shall exercise reasonable care
23 in ensuring the confidentiality of those materials by (1) not
24 permitting anyone other than members of the Defense Team,
25 defendants, witnesses, and potential witnesses, as restricted above,
26 to see Confidential Information; (2) not divulging to anyone other
27 than members of the Defense Team, defendants, witnesses, and
28 potential witnesses, the contents of Confidential Information; and

1 (3) not permitting Confidential Information to be outside the
2 Defense Team's offices, homes, vehicles, or personal presence. CW
3 Materials shall not be left unattended in any vehicle.

4 i. To the extent that any defendant, the Defense Team,
5 witnesses, or potential witnesses create notes that contain, in
6 whole or in part, Confidential Information, or to the extent that
7 copies are made for authorized use by members of the Defense Team,
8 such notes, copies, or reproductions become Confidential Information
9 subject to the Protective Order and must be handled in accordance
10 with the terms of the Protective Order.

11 j. The Defense Team shall use Confidential Information
12 only for the litigation of this matter and for no other purpose.
13 Litigation of this matter includes any appeal filed by any defendant
14 and any motion filed by any defendant pursuant to 28 U.S.C. § 2255.
15 In the event that a party needs to file Confidential Information
16 with the Court or divulge the contents of Confidential Information
17 in court filings, the filing should be made under seal. If the
18 Court rejects the request to file such information under seal, the
19 party seeking to file such information publicly shall provide
20 advance written notice to the other party to afford such party an
21 opportunity to object or otherwise respond to such intention. If
22 the other party does not object to the proposed filing, the party
23 seeking to file such information shall redact any CW Materials or
24 PII Materials and make all reasonable attempts to limit the
25 divulging of CW Materials or PII Materials.

26 k. The parties agree that any Confidential Information
27 inadvertently produced in the course of discovery prior to entry of
28 the Protective Order shall be subject to the terms of the Protective

1 Order. If Confidential Information was inadvertently produced prior
2 to entry of the Protective Order without being marked "CONFIDENTIAL
3 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," the government
4 shall reproduce the material with the correct designation and notify
5 defense counsel of the error. The Defense Team shall take immediate
6 steps to destroy the unmarked material, including any copies.

7 1. The parties agree that if any Confidential
8 Information contains both CW Materials and another category of
9 Confidential Information, the information shall be handled in
10 accordance with the CW Materials provisions of the Protective Order.

11 m. Confidential Information shall not be used by the
12 defendants or Defense Team, in any way, in any other matter, absent
13 an order by this Court. All materials designated subject to the
14 Protective Order maintained in the Defense Team's files shall remain
15 subject to the Protective Order unless and until such order is
16 modified by this Court. Within 30 days of the conclusion of
17 appellate and post-conviction proceedings, defense counsel shall
18 return all PII Materials or CW Materials, certify that such
19 materials have been destroyed, or certify that such materials are
20 being kept pursuant to the California Business and Professions Code
21 and the California Rules of Professional Conduct.

22 n. In the event that there is a substitution of counsel
23 prior to when such documents must be returned, new defense counsel
24 must be informed of, and agree in writing to be bound by, the
25 requirements of the Protective Order before the undersigned defense
26 counsel transfers any Confidential Information to the new defense
27 counsel. New defense counsel's written agreement to be bound by the
28 terms of the Protective Order must be returned to the Assistant U.S.

1 Attorney assigned to the case. New defense counsel then will become
2 the Defense Team's custodian of materials designated subject to the
3 Protective Order and shall then become responsible, upon the
4 conclusion of appellate and post-conviction proceedings,
5 for: returning to the government, certifying the destruction of, or
6 retaining pursuant to the California Business and Professions Code
7 and the California Rules of Professional Conduct all PII Materials
8 or CW Materials.

9 o. Defense counsel agrees to advise each defendant and
10 all members of the Defense Team of their obligations under the
11 Protective Order and ensure their agreement to follow the Protective
12 Order, prior to providing defendant and members of the Defense Team
13 with access to any materials subject to the Protective Order.

14 p. Defense Counsel has conferred with defendants
15 regarding this stipulation and the proposed order thereon, and
16 defendants agree to the terms of the proposed order.

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